
From: CC Grisham <grish@me.com>
Sent: Wednesday, February 11, 2015 3:24 PM
To: keogh@adeq.state.ar.us
Cc: Charles Curtis Grisham Jr.; spencer@adeq.state.ar.us; katie.beck@governor.arkansas.gov; Tzhone, Stephen; Meyer, John; Murray, Suzanne; Charles Moulton
Subject: Fwd: Arkwood Freedom of Information Act Requests
Attachments: Objection How is it Grisham was not invited by ADEQ to participate in Arkansas water quality standards review as a known stakeholder.pdf; ATT00001.htm; PDF Transcript ADEQ Meeting 4-12-11.pdf; ATT00002.htm; 2013 Triennial Review Public Involvement Timeline_letter 020615 copy.pdf; ATT00003.htm

Dear Director Keogh:

Congratulations on your appointment by Governor Hutchinson to Director of the Arkansas Department of Environmental Quality (ADEQ.)

I forward the below, which is a small (but most-current) part of the longstanding difficulty I have had in working with ADEQ to resolve technical issues related to the Arkwood Superfund site in Omaha (Boone County) and to facilitate this site's return to productive use.

While EPA Region 6 has made significant strides toward achieving these goals, ADEQ has continued to drag down and obfuscate the process at every juncture, I feel.

During the time I have been working with EPA Region 6 to return the Arkwood site to productive use — and consequently to revivify an economically depressed part of the State — EPA has:

- 1) Designated the Arkwood Superfund site as Sitewide Ready for Anticipated Reuse (SWRAU;)
- 2) Conducted split sampling to verify the test results obtained by the PRP McKesson Corporation;
- 3) Ordered the shutdown of the McKesson-instigated "pilot injection study" of dubious scientific validity or remedial benefit (and possibly of detriment;)
- 4) Reduced the affected site area from an unjustly-expanded 30 acres back to the 18 acres originally specified in the September 1990 "Superfund Record of Decision" (EPA/ROD/R06-90/064 "ROD");
- 5) Finalized the institutional control/ deed restriction that the owner now has recorded for the property.

These are just a few of the major gains at Arkwood that have been realized since I began my work with EPA Region 6 to return the land to productive use for the benefit of the citizens of Boone County.

ADEQ, however, has been nothing but obstructive, in my humble opinion.

During the same time, ADEQ has:



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- 1) Revised the groundwater cleanup goal for PCP from 15.57 µg/l to the unjustly-stringent 1 µg/l for the one affected water body, New Cricket Spring, which is small, offsite, remote, seasonal and has never been a source of drinking water or a habitat for any identified biota and which was classified as a “low level threat” in the 1990 ROD;
- 2) Been unable to address my questions as to the methodology used for arriving at the water quality cleanup goal, including questions I posed directly to Sarah Clem, ADEQ Water Quality Planning Branch Manager, at a meeting I had requested there in 2011 (please see attached);
- 3) Failed to verify the accuracy of PRP McKesson Corporation's water testing or laboratory accreditation prior to my questioning the matter;
- 4) Inappropriately sided with the PRP McKesson Corporation regarding a Site Agreement to which ADEQ was and is not a party, to the detriment of my efforts to obtain transparency and accountability;
- 5) Failed to engage me as a known “interested party” in the Triennial Review of Regulation No. 2, causing the unnecessary waste that will result from the avoidable dispute that the below email references (please also see attached).

These are just a few of the major hindrances ADEQ has inflicted upon the effort to closeout Arkwood Superfund site, delete it from the NPL and return it to productive use for the benefit of all Arkansans.

It is my hope that, under your direction, ADEQ will begin to work proactively and collaboratively with EPA Region 6 (which is very willing to achieve appropriate resolution) and with all other stakeholders and interested parties to finalize the unreasonably-protracted cleanup operations at Arkwood and to return this property to productive use, in accordance with the “Mission Statement” of the Water Division of the Arkansas Department of Environmental Quality, which is stated on the website as:

“To protect and enhance the water quality of the State of Arkansas in a manner consistent with the economic well being of all Arkansans.”

I believe ADEQ has failed in the case of the Arkwood Superfund site to honor the important qualifier of this statement **“in a manner consistent with the economic well being of all Arkansans,”** but has instead misplaced considerations for a tiny, intermittent spring of no stated use containing no identified biota far above the economic well-being of the Arkansans who demonstrably would have benefitted by the timely completion of the cleanup at Arkwood, such that the site could have been placed into appropriate non-residential industrial use many years ago, thereby providing jobs to sustain our people and their families.

Please refer to the record of my extensive writings stretching back to 2010 regarding this matter; I believe you will find that I have made a good case and that my pleas (and those of the citizens of Omaha and Boone County, Arkansas) for reasonable and timely action from ADEQ have largely been ignored and disregarded by that agency prior to your return there.

Sincerely,

Charles Grisham, Junior
501-550-4900